

RESOLUTION NO. 88-45

RESOLUTION OF NECESSITY REGARDING EMINENT DOMAIN  
PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 1245.220 ET SEQ.

BE IT RESOLVED by the Council of the City of Lodi as follows:

The Council of the City of Lodi finds, determines, and hereby declares:

1. That the public interest, necessity, and convenience require the acquisition, construction, and completion of a public improvement, to wit: the acquisition of four additional parcels of land for the widening of Hutchins Street between Rimby Avenue and Vine Street within San Joaquin County, described as portions of the south one-half of the east forty feet of Section 11, Township 3 North, Range 7 East, Mount Diablo Base and Meridian.

2. That the real property hereinafter described is suitable, adaptable, necessary, and required for the public use of said City of Lodi, as hereinabove set forth.

3. The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

4. That the City of Lodi acquire the hereinabove described real property for street widening by donation, purchase, or by condemnation in accordance with the provisions of the Code of Civil Procedure of the State of California relating to eminent domain. That the City Attorney is hereby authorized to prosecute in the name of the City of Lodi, any and all actions or proceedings required to acquire the necessary property and/or to fix the compensation to be paid for property damage resulting from the construction and maintenance of said improvements; and in the absence of a satisfactory price agreement with the owner of the land, the City Attorney is hereby directed to immediately commence proceedings under Title Seven, Chapter Three of the Code of Civil Procedure of the State of California, to condemn the property hereinafter described for the purpose of taking said land for the public use of said City as hereinabove set forth.

5. To make application to a Court of competent jurisdiction for an order fixing the amount of such security in the way of money deposits as said Court may direct, and for an order permitting said City of Lodi to take immediate possession and use of said property, or interest in real property, or existing improvements for the public use as hereinabove set forth; to make deposit of such security or monies in such amount so fixed and determined and in such manner as said Court in which said condemnation proceedings are pending may direct.

6. The real property or interest in real property which the City of Lodi is by this Resolution authorized to acquire for said public improvements is situated in the County of San Joaquin, State of California, and is more particularly described in Exhibit "A", "B", "C", and "D", attached hereto and incorporated herein by reference.

7. Pursuant to Government Code Section 7267.2, a written offer was made to the owners of record in the amount of \$25,575 for the four parcels.

DATED: April 6, 1988

I hereby certify that Resolution No. 88-45 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 6, 1988 by the following vote:

Ayes: Council Members - Hinchman, Pinkerton, Reid, Snider  
and Olson (Mayor)

Noes: Council Members - None

Absent: Council Members - None

  
Alice M. Reimche  
City Clerk